

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

HARBINGER CAPITAL PARTNERS LLC,
PHILIP A. FALCONE, AND PETER A. JENSON,

Defendants.

Case No. 12-cv-05028 (PAC)

ECF Case

ORAL ARGUMENT REQUESTED

**DEFENDANT PETER A. JENSON'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Peter A. Jenson moves this Court, before the Honorable Paul A. Crotty, to dismiss Plaintiff Securities and Exchange Commission's Complaint, dated June 27, 2012, for failure to state a claim upon which relief can be granted for reasons more fully explained in the accompanying memorandum and declaration in support.

WHEREFORE, Defendants respectfully request that this Court dismiss the Complaint in its entirety, with prejudice, and grant such other relief as the Court may consider appropriate.

Dated: November 30, 2012

Respectfully Submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANT PETER JENSON'S MOTION TO DISMISS** was served electronically via the Court's Electronic Case Filing system on the following:

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/s/

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